

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM

JUN 15 2006

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. CR-06-00010

DATE: June 15, 2006

HON. JOHN A. HOUSTON, Designated Judge, Presiding  
Court Reporter: Wanda Miles  
Hearing Electronically Recorded: 9:23:57 - 9:33:32

Law Clerk: None Present  
Courtroom Deputy: Leilani Toves Hernandez  
CSO: F. Tenorio

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: Arnel S. Alipio aka Leonardo M. Francisco  
(X) PRESENT (X) CUSTODY ( ) BOND ( ) P.R.

ATTY: Jim McHugh  
(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: ROSETTA SAN NICOLAS

AGENT:

U.S. PROBATION: CARLEEN BORJA

U.S. MARSHAL: V. ROMAN / D. PUNZALAN

INTERPRETER: Primo Caburian

LANGUAGE: Tagalog

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(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level: 6

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT

Defendant has accepted responsibility and agreed with the recommendation of the probation office.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:  
Concurred with the recommendation of the probation office and a sentence of time served.

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

The probation officer advised the Court that the defendant has been incarcerated for 113 days.

The Court instructed the probation officer to provide the defendant with a copy of the standard conditions of supervision prior to his release to the Immigration and Naturalization Service.

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF 3 YEARS.

DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE AND SHALL INCLUDE THE FOLLOWING SPECIAL CONDITIONS:

1. DEFENDANT BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. §3583(d), AND WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. §1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE AND SHALL NOT RE-ENTER THE UNITED STATES WITHOUT THE PERMISSION OF THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, AND LOCAL CRIMES.
3. DEFENDANT SHALL POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
4. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICER.
5. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
6. DEFENDANT SHALL SUBMIT TO ONE URINALYSIS WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND TO TWO MORE URINALYSIS THEREAFTER.
7. DEFENDANT SHALL PERFORM 100 HOURS OF COMMUNITY SERVICE.

THE COURT ORDERED THAT IF THE DEFENDANT IS DEPORTED, THESE CONDITIONS SHALL BE WAIVED.

ALL FINES WERE WAIVED BY THE COURT. DEFENDANT WAS ORDERED TO PAY A SPECIAL ASSESSMENT FEE OF \$100.00 IMMEDIATELY AFTER SENTENCING.

COURT STATED THE JUSTIFICATION OF THE SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

DEFENDANT WAS RELEASED TO THE CUSTODY OF THE U.S. MARSHALS SERVICE FOR PROCESSING.

Courtroom Deputy: 